

Serial #: 09/551,181
In reply to Office action mailed: 22 November 2004
page 8 of 12

Remarks/Arguments

Claims 19-23, 25 and 31 are present for examination. Claims 19, 25 and 31 are currently amended. The Examiner has asserted two rejections for which Applicants now respond.

1. Rejections under 35 USC §112

Claims 19, 25 and 31 are rejected under 35 USC 112, first paragraph, for containing the limitation "purchase order transaction", which is subject matter not described in the specification. Applicants disagree.

Claim 19 was not in the original set of claims. In the Response filed 3 October 2002, claim 19 was added. At that time its first element read:

providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein each service provider data structure includes a description of service provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;

In a subsequent response on 13 May 2003, claim 19's first element was amended to read as follows:

providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, **wherein said request for proposal is a request for an economic transaction proposal**, wherein each service provider data structure includes a description of service provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;

It was hoped that this amended would clarify the invention since the term "request for proposal" for the present invention is a request for an economic-type transaction proposal from a manufacturer. This is in sharp contrast to the Tibbetts reference (previously cited by the examiner) in which Tibbetts uses the term "proposal" in connection

Serial #: 09/551,181
In reply to Office action mailed: 22 November 2004
page 9 of 12

with a software construct design to couple a computer front-end (such as keystrokes) with the computer's back-end processing (such as file read and file write operations).

While applicants made this amendment in its search to clarify that the use of the term "proposal" in the claim is unique from the Tibbett's use of the word, the examiner held that such explanatory test was unacceptable. In the Office Action mailed 18 May 2004, the examiner stated:

"[T]he term economic transaction proposal renders the claim vague and indefinite. Does the term economic transaction proposal mean a purchase order transaction?"

In its 18 August 2004 Response, the applicants amended the claim according to the Examiner's suggestion so that the claim used the term "purchase order transaction" to explain that the claim's use of "proposal" was not similar in nature to Tibbett's use of the term. With this amendment, claim 19's first limitation read as:

providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein said request for proposal is a request for ~~an economic transaction proposal~~ a purchase order transaction proposal, wherein each service provider data structure includes a description of service provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;

In the Office Action mailed 18 May 2004, the Examiner rejected claim 19 and stated:

"[T]he term economic transaction proposal renders the claim vague and indefinite. Does the term economic transaction proposal mean a purchase order transaction?"

Thus, although the applicants amended the claims according to the Examiner's suggestion (i.e., "Does the term economic transaction proposal mean a purchase order transaction?"), now the examiner rejects the use of the examiner's own suggested terminology. Since these amendments have been made to clarify that the term "request for proposal" is used in its standard business sense rather the word "proposal" being used in a

Serial #: 09/551,181
In reply to Office action mailed: 22 November 2004
page 10 of 12

computer architecture sense, and since the examiner is now rejecting the examiner's own method of clarification, applicants have now amended the claim to make the clarification differently.

It is well-known that in industry of business, requests for proposals are also referred to by their abbreviation RFP. The on-line version of the Merriam Webster dictionary, for example, gives "request for the proposal" as the only definition for the abbreviation "RFP". Using the google search engine to define "RFP" (by entering the specialized search instruction "define:RFP") returns 25 hits, all of which state that RFP means Request for Proposal.

Therefore, claim 19 has been amended so that it includes this abbreviation (i.e., claim 19 now states "...request for proposal ("RFP") mechanism..."). Applicants assert that the combined use of "RFP" with the term "request for proposal" ensures that the claim is not vague. Claim 25 and 31 have been similarly amended.

These amendments do not introduce new matter to the application. The abbreviation RFP is found in the specification in the three locations, namely: Page 8, line 22; Page 9, line 27; and Page 10, line 6. For at least these reasons, Applicants request that the rejections under 35 USC 112 be withdrawn.

2. Rejections under 35 USC §103

The Examiner has rejected claims 19-23, 25 and 31 under 35 U.S.C. §103(a) as being unpatentable over Thomas et al. (U.S. Patent No. 6,301,574) in view of Dilger.

The present amendments add further limitations to the claims. The database further includes a nondisclosure agreement mechanism. Nondisclosure data is received from the user. This nondisclosure agreement data is cataloged in the database. In this way, the

Serial #: 09/551,181
In reply to Office action mailed: 22 November 2004
page 11 of 12

claimed invention stores both the proposal information as well as the nondisclosure information for the various manufacturers and service providers.

Figures 1 and 10 as well as page 25 lines 19 through 31 support the present amendment. Step 1002 of figure 10 states that "a request for proposal mechanism and a nondisclosure agreement mechanism are provided". Step 1008 provides that the "nondisclosure agreement data is received" Step 1010 provides that "the nondisclosure agreement data is cataloged utilizing the nondisclosure agreement mechanism".

A text search indicates that neither Thomas nor Dilger teach or suggest the cooperation of a database having both the request for proposal data structures and the nondisclosure agreement data. Furthermore, since the common business practice is that the requests for proposals and nondisclosure agreements are handled and stored by separate departments (i.e., the project management department vs. the legal compliance department), it would not have been obvious to one skilled in the art to combine Thomas and Dilger with any other reference to build the present invention. Accordingly, Applicants request that the rejections be withdrawn. Applicants therefore kindly request that the 35 USC 103 rejections be withdrawn and that a Notice of Allowance be mailed.

3. Conclusion

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508. If any fees are due

Serial #: 09/551,181
In reply to Office action mailed: 22 November 2004
page 12 of 12

In connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 060021-358201).

Respectfully submitted,



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